



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	Group Art Unit: 3616
Wataru Tanaka et al.	)	Examiner: Faye M Fleming
Application No.: 10/809,541	)	Confirmation No.: 6137
Filed: March 26, 2004	)	
For: MOTOR CONDITION DETECTION	)	
APPARATUS AND VEHICLE	)	
HEIGHT CONTROL APPARATUS	)	

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Official Action dated October 12, 2006, the following remarks are submitted.

The aforementioned Official Action indicates that the claims in this application are directed to two different inventions. As identified in the Official Action, the two inventions are as follows.

Group I invention defined in Claims 1-23 drawn to a motor condition detection apparatus.

Group II invention defined in Claims 24 and 25 directed to a vehicle height control apparatus.

Based on the observation that the two inventions are distinct from one another, a restriction requirement has been imposed requiring an election of one of the two inventions.

Applicants hereby elect, with traverse, the Group I invention directed to the motor condition detection apparatus. It is noted that Claim 23, which is grouped with

the Group I claim set, is directed to the vehicle height control apparatus and should perhaps be grouped with the non-elected Group II claim set.

The election of the Group I invention is made with traverse because it is believed that all of the claims of this application can be examined at the same time without serious burden. While it is recognized that the inventions may be separately classified, it is believed that the search required for the elected invention set forth in the Group I claims would likely extend into those areas where the non-elected invention would be searched. In addition, examining the claims directed to the non-elected invention in addition to those directed to the elected invention would only involve consideration of a few additional claims.

In light of the foregoing, withdrawal of the restriction requirement, and examination of all of the claims of this application, including Claims 1-22 directed to the elected invention, are respectfully requested.

Should any questions arise in connection with this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: November 13, 2006

By: Matthew L. Schneider  
Matthew L. Schneider  
Registration No. 32814

P.O. Box 1404  
Alexandria, VA 22313-1404  
703 836 6620

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Wataru Tanaka et al.

Application No.: 10/809,541

Filing Date: March 26, 2004

MAIL STOP

Group Art Unit: 3616

Examiner: Faye M Fleming

Confirmation No.: 6137

Title:

MOTOR CONDITION DETECTION  
APPARATUS AND VEHICLE HEIGHT  
CONTROL APPARATUS

## AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

- ☐ A Petition for Extension of Time is enclosed.
- ☐ \_\_\_\_\_ Terminal Disclaimer(s) and the ☐ \$ 65 ☐ \$ 130 fee per Disclaimer due under 37 C.F.R. § 1.20(d) are enclosed.
- ☐ Also enclosed is/are: \_\_\_\_\_
- ☐ Small entity status is hereby claimed.
- ☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$ 395 ☐ \$ 790 fee due under 37 C.F.R. § 1.17(e).
- ☐ Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.
- ☐ Applicant(s) previously submitted \_\_\_\_\_ on \_\_\_\_\_ for which continued examination is requested.
- ☐ Applicant(s) requests suspension of action by the Office until at least \_\_\_\_\_, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
- ☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

- ☒ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below:

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims	25	25	0	x \$ 50 (1202)	\$ 0
Independent Claims	5	5	0	x \$ 200 (1201)	0
<input type="checkbox"/> If Amendment adds multiple dependent claims, add \$ 360 (1203)					\$ 0
Total Claim Amendment Fee					\$ 0
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					0
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					\$ 0

- ☐ Charge \_\_\_\_\_ to Deposit Account No. 02-4800 for the fee due.
- ☐ A check in the amount of \_\_\_\_\_ is enclosed for the fee due.
- ☐ Charge \_\_\_\_\_ to credit card for the fee due. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date November 13, 2006

By: Matthew L. Schneider  
Matthew L. Schneider  
Registration No. 32814

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